A RESOLUTION BY TRANSPORTATION COMMITTEE

A RESOLUTION ON BEHALF OF THE DEPARTMENT OF AVIATION AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR RENEWAL OF LEASE AGREEMENT FC-7312-01, CONCOURSE "E" RETAIL WITH HOST/NCM ATLANTA E JOINT VENTURE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport ("Airport") entered into Lease Agreement FC-7312-01, Concourse "E" Retail (the "Agreement"), with Host/NCM Atlanta E Joint Venture ("Tenant"), as authorized by Resolution 03-R-0145; and

WHEREAS, the Agreement had an initial term of five years and included an option to renew for an additional three years at the sole discretion of the City; and

WHEREAS, the initial term of the Agreement expired on September 17, 2008; and

WHEREAS, pursuant to Section 2-1206 of the Atlanta City Code, the Chief Procurement Officer extended the Agreement for ninety days, which extension shall expire on December 16, 2008; and

WHEREAS, the Aviation General Manager is satisfied with Tenant's performance and believes that renewal of the Agreement for three years is appropriate and in the best interests of the City; and

WHEREAS, accordingly, the Chief Procurement Officer and Aviation General Manager have recommended that the Agreement be renewed for three years.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to renew FC-7312-01, Concourse "E" Retail, with Host/NCM Atlanta E Joint Venture, for three years, as provided in the Agreement.

BE IT FURTHER RESOLVED that the City Attorney be and hereby is directed to prepare an appropriate renewal agreement (the "Renewal") for execution by the Mayor.

BE IT FINALLY RESOLVED that the Renewal will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Host/NCM Atlanta E Joint Venture.



Shirley Franklin Mayor

Benjamin R. DeCosta Aviation General Manager

September 5, 2008

Mr. Adam L. Smith Chief Procurement Officer 55 Trinity Avenue, Suite 1790 Atlanta, GA 30303

Re: Host/NCM Atlanta E JV (FC-7312-01) Concourse E Retail

Dear Mr. Smith:

The contract between the City of Atlanta and Host/NCM Atlanta E Joint Venture expires this month. The Department of Aviation plans to exercise the three (3) year renewal option as outlined in the Lease Agreement. My staff is currently working with the Law Department to draft the require Resolution to submit at the October 20, 2008 Full Council Meeting.

In order to continue services and to obtain City Council's approval of the three year extension, we are requesting that you grant a ninety (90) day extension for the Host/NCM Atlanta E JV contract. The 90 day extension will provide the necessary time to obtain City Council's approval of the three year extension and the Law Department time to draft the amendment.

We appreciate your partnership and ask that you support the request for the ninety (90) day extension of the HMS Host/NCM Atlanta E JV contract. The retail services are crucial in providing our passengers the best traveling experience and we cannot afford the loss of this invaluable service.

If you have any questions or concerns, you can contact me at 404-530-6600.

Sincerely,

Aviation General Manager

Cc:

John Cugasi Pat Banducci





CITY OF ATLANTA

Shirley Franklin Mayor SUITE 1790
55 TRINITY AVENUE, SW
ATLANTA, GA 30303
(404) 330-6204 Fax: (404) 658-7705
Internet Home Page: www.atlantaga.gov

DEPARTMENT OF PROCUREMENT
Adam L. Smith, Esq., CPPB
Chief Procurement Officer
Assuth@allantaea.com

September 16, 2008

Mr. Patrick Banducci
Senior Director, Business Development
Host/NCM Atlanta E Joint Venture
Host International
6th Floor
6600 Rockledge Drive
Bethesda, MD 20817

Via Facsimile at (240) 694-4640 and E-Mail (pat.banducci@hmshost.com)

Re:

FC-7312-01, Concourse "E" Retail Concession

90 Day Contract Extension

Dear Mr. Banducci:

This letter serves as an extension of the above-referenced agreement from the City of Atlanta (the "City") with all items, terms and conditions unchanged.

The renewal for this Contract will require the approval of the City Council. The authorizing legislation has been prepared for the first renewal to coincide with the Council's meeting date of October 20, 2008. This timeframe will not allow enough time to channel the renewal through the legislative cycle and signature process. Therefore, the City's Department of Procurement extends this agreement for ninety (90) calendar days from the original expiration date of September 17, 2008, giving the project a new expiration date of December 16, 2008. By copy of this correspondence, we are requesting your acceptance to the extension of said Agreement for an additional ninety (90) calendar days.

Please sign in the space provided below and return one copy of this letter to the above address. This letter should be returned to this office within five (5) calendar days from receipt. A copy of this extension should be maintained for your files.

Sep-23-2008 02:44pm From-

> wir. rattick Banducci Senior Director, Business Development Host/NCM Atlanta E Joint Venture

Via Facsimile at (240) 694-4640 and E-Mail (pat.banducci@hmshost.com)

FC-7312-01, Concourse "E" Retail Concession - 90 Day Contract Extension September 16, 2008

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Should you have any questions or concerns in this regard, please contact Mr. Girard Geeter, Deputy Chief Procurement Officer, at (404) 330-6673.

Your cooperation in this matter is appreciated.

daushuin

ALS/jab

Company: Host/NGM Atlanta E Joint Venture

Photo Bonda.
[Signature]

Print Name: Patride Banducei

Title: Sr. Vice President

Date: <u>Sept 23</u>, 2008

(does hereby agree to a contract extension period of ninety (90) days))

<u>Part II: Legislative White Paper:</u> (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:	
Committee of Purview:	
Caption:	
Council Meeting Date:	
Requesting Dept.:	
FAC Confirmed by:	

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Host/NCM Atlanta E Joint Venture has successfully operated the Concourse E retail since September 2003. They were the top ranked proponent of the Concourse E Retail RFP (FC-7312-01). Section 2.1 of the Lease Agreement gives the City the option to extend the Agreement for an additional three (3) years. Tenant is required to refurbish the public areas of the Premises as a minimum investment of one hundred dollars (\$100) per square foot.

Host/NCM Atlanta E joint venture has performed admirably and during their tenure. Their exciting concepts have created a stimulating retail experience for today's sophisticated Atlanta international and domestic traveler. The sales on Concourse E have increased by 50% due to their experience in implementing dynamic retail concepts while consistently achieving excellent customer service and increased enplanements on the international concourse.

Another benefit for the Airport is relieving major construction initiatives by arranging a workable construction schedule. There are numerous construction projects in the Airport over the next two years including the build out of 92 properties as a result of the Retail and Business Services procurements. It would be helpful to limit construction for Concourse E Retail to refurbishment at this time to reduce pricing fluctuation and provide concession continuity.

2. Please provide background information regarding this legislation.

Host/NCM Atlanta E Joint Venture has successfully operated the Concourse E retail program since September 2003. They were the top ranked proponent of the Concourse E Retail RFP (FC-7312-01). Section 2.1 of the Lease Agreement gives the City the option to extend the Agreement for one additional three (3) years. Tenant is required to refurbish the public areas of the Premises as a minimum investment of one hundred dollars (\$100) per square foot (Resolution 03-R-0145). On February 17, 2003 the Atlanta City Council adopted legislation to add 952 sq. ft of

space to the contract. (Resolution 07-R-0104). In September, 2009 the Chief Procurement Officer issued a 90 day extension.

3. <u>If A</u>	pplicable/Known:	
(a)	Contract Type (e.g. Professional Services, Construction Agreement, etc):	
	Concession Lease Agreement	
(b)	Source Selection:	
(c)	Bids/Proposals Due:	
(d)	Invitations Issued:	
(e)	Number of Bids:	
(f)	Proposals Received:	
(g)	Bidders/Proponents:	
(h)	Term of Contract:	
4. Fund Account Center (Ex. Name and number):		
Fund: _	Account: Center:	
5. Source of Funds: Example: Local Assistance Grant		
	N/A	
6. Fiscal Impact:		
	N/A	
-	le: This legislation will result in a reduction in the amount of to Fund Account Number	
7. Met	hod of Cost Recovery:	
N/A		
Exampl	les:	

a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.

b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.

This Legislative Request Form Was Prepared By: Marlene Coleman

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE	ATTN: GREG PRIDGEON			
Dept.'s Legislative Liaison:	Anita Williams			
Contact Number: 404-530-6600				
Originating Department:Av	iation			
Committee(s) of Purview:Tran	nsportation			
Chief of Staff Deadline: 10/	29/08			
Anticipated Committee Meeting Da	ite(s):11/12/08			
Anticipated Full Council Date:11/17/08				
Commissioner Signature:				
Chief Procurement Officer Signature: Wdw Rhwh				
CAPTION A RESOLUTION ON BEHALF OF THE DEPARTMENT OF AVIATION AUTHORIZING THE MAYOR TO EXECUTE A THREE-YEAR RENEWAL OF LEASE AGREEMENT FC-7312-01, CONCOURSE "E" RETAIL WITH HOST/NCM ATLANTA E JOINT VENTURE; AND FOR OTHER PURPOSES.				
Mayor's Staff Only				
Received by CPO:(date)	Received by LC from CPO:(date)			
Received by Mayor's Office: (date)	29.08 Reviewed by: (date)			
Submitted to Council: (date)				

FOR FC-7312-0201

CONCOURSE "E" RETAIL AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT ATLANTA, GEORGIA



Shirley Franklin Mayor City of Atlanta

Benjamin DeCosta Aviation General Manager Department of Aviation

Adam L. Smith
Chief Procurement Officer
Department of Procurement

LARGE ATTACHMENT(S) DOCUMENT(S), MANNUAL(S) OR MAP(S) **NOT COPIED**